



---

**APPLICATION FOR PLANNING PERMISSION 13/00206/DPP, FOR  
ERECTION OF RETAIL AND COMMERCIAL UNITS AND FORMATION OF  
CAR PARK AT LAND AT THE FORMER STASIDE INN, ROSEWELL  
ROAD, BONNYRIGG**

Report by Head of Planning and Development

---

**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of 6 commercial units on the site of the former Staside Inn. There have been 26 letters of representation, a petition and consultation responses from the Poltonhall and District Community Council and the Council's Policy and Road Safety Manager. The relevant development plan policies are RP20, SHOP6 and SHOP7 of the Midlothian Local Plan and policies RET1 and RET2 of Edinburgh and the Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to conditions.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site is presently occupied by a former public house, bounded by roads on three sides (Rosewell Road, Hopefield Park, and Eskdale Drive). The site comprises a roughcast, tiled roofed, two storey building with single storey extensions to the rear. A car park is located to the rear of the building. The building is presently vacant and has been boarded up for security. The site covers approximately 0.2 hectares.**
- 2.2 The site is close to a neighbourhood centre within a predominantly residential area. To the north east is an area of public open space (former bowling green), to the north is the new Lasswade Community High School, to the north west is the neighbourhood centre comprising a number of retail units and to the west is a plumbers' merchant and private lock up garages. Rosewell Road is a main public transport route.**

**3 PROPOSAL**

- 3.1 It is proposed to demolish the buildings on site and to erect a parade of commercial units. The development will be divided into 6 units with a total internal area of 913sqm (including a mezzanine floor in one of the units). Retail (class 1) will be restricted to three units totalling around 600sqm.**

- 3.2 The largest unit would be 279sqm at ground floor with a mezzanine floor of 115sqm for office and storage space. The smallest unit is 68.5sqm. There is no indication on the layout plan regarding the proposed uses for each of the non-retail units, however it is anticipated that they will be used for classes 2 (professional services), 3 (food and drink) or 4 (business) of the Town And Country Planning (Use Classes)(Scotland) Order 1997. Class 3 does not include a hot food takeaway.
- 3.3 The site is accessed off Hopefield Park and 22 car parking spaces are provided. The application also proposes a segregated loading/service bay on Rosewell Road. Two disabled spaces and two cycle racks are provided within the car parking area.
- 3.4 The applicant has submitted a Planning and Retail Statement in support of the application.

#### **4 BACKGROUND**

- 4.1 Planning application 06/00826/OUT for the erection of 14 flats was granted with conditions on 28 August 2008.
- 4.2 Planning application 10/00600/PPP for the erection of 21 flatted dwellings and associated car parking in principle was withdrawn on 28 February 2012.
- 4.3 Planning application 13/00014/DPP for the erection of retail and commercial units; formation of car park was withdrawn on 15 March 2013. This application did not propose any restrictions on the commercial uses and therefore could have resulted in all the units being in a retail use.

#### **5 CONSULTATIONS**

- 5.1 The Council's **Policy and Road Safety Manager** advises that the proposed level of parking may put pressure on the existing on-street spaces and could lead to an increase in inconsiderate or illegal parking in the surrounding area. An additional 5 spaces would be preferable. The location of the cycle racks should be relocated to a more secure location where they can be overlooked from the shops.
- 5.2 Furthermore, the public footpath adjacent to the loading bay should be increased in width from 2m to 3m to allow for unloading activity. The loading bay should be surfaced in a different material from the road and have a small kerb upstand (25mm) to delineate it from the active carriageway. A formal Traffic Regulation Order for parking restrictions will be required to ensure that parking within the loading bay is restricted.

- 5.3 The **Polton and District Community Council** has raised concerns regarding the level of parking and vehicle congestion within the site (this comment related to the 17 parking space layout that has subsequently been amended to provide 22 spaces). It also has concerns regarding the siting of the loading bay on Rosewell Road, due to the proximity to a bus stop and to the traffic light controlled junction. This crossing/junction will be heavily used by pupils and school traffic. It acknowledges that this is a difficult site to develop.

## 6 REPRESENTATIONS

- 6.1 26 letters of objection have been received. The main points of objection are as follows:

- The proposed loading bay on Rosewell Road is a hazard due to its proximity to a bus stop;
- The development would lead to increased traffic around the school;
- The introduction of convenience food outlets here would compromise the education authority's efforts in encouraging healthy eating;
- It would be a significant source of litter;
- There is no need for more shops;
- No indication as to where staff would park;
- It would encourage people to loiter in the area;
- The retail document is flawed (no precise reason given);
- It was misleading to withdraw the earlier application and resubmit a new one;
- It will lead to closure of retail units; and
- Inadequate parking provision.

- 6.2 A 34 page petition, containing 809 names (collated by a neighbouring shop owner) has also been received. The petition is titled "*Petition against the building of a shopping centre on the ground of the former Staiside Inn*".

- 6.3 A 46 page petition was submitted to the withdrawn planning application 13/00014/DPP. In the covering letter it advised that it was completed by customers visiting the shops along Hopefield Park. The points of objection on this petition are as follows:

- The existing road junction is heavily used and has to cope with the new high school development, and the proposed development will overload the capacity to the detriment of road safety;
- The loading bay results in a reduction in the width of the pavement to the detriment of pedestrian safety; and
- There is no need for further facilities.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan (ELSP) 2015, approved in June 2004, and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Midlothian Local Plan Policy **RP20 Development within the Built-up Area** which advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;
- 7.3 Midlothian Local Plan Policy **SHOP6: Minor Retail Facilities** supports the provision of minor retail facilities within town and neighbourhood shopping centres.
- 7.4 Midlothian Local Plan Policy **SHOP7 New Neighbourhood Shopping Facilities** New neighbourhood shopping facilities will be permitted within the built-up area including where new housing developments are to take place, providing they do not undermine the vitality and viability of any of Midlothian's town centres and they accord with all relevant Local Plan policies and proposals.
- 7.5 Edinburgh and the Lothians Structure Plan 2015 Policy **RET1: (Sequential Approach to the Location of Retail and Commercial Leisure Developments)** sets out a hierarchy of priority, within which retail, commercial leisure and other developments appropriate to town centres should be located.
- 7.6 Edinburgh and the Lothians Structure Plan 2015 Policy **RET2: Other Considerations to be Satisfied Under the Sequential Approach** examines proposed developments which are not within or on the edge of a town centre, states that they will only be acceptable if the following considerations are satisfied; that proposals:-
- should address a quantitative or qualitative deficiency within the local area, and be restricted to a scale which makes good this deficiency; and
  - should not, either individually or cumulatively with other developments, pose a significant threat to the vitality of any town centre identified in Schedule 6.1 or major shopping centre identified in Schedule 6.2; and
  - should not jeopardise the development plan strategy in support of any town centre identified in Schedule 6.1; and
  - should be in a location which is, or will become with transport investment delivered in phase with the development, accessible from most parts of the expected catchment area by regular, frequent and convenient public transport services and should also be well connected to walking and cycling routes.

Note: Schedule 6.1 centres in Midlothian are Dalkeith, Penicuik and Bonnyrigg. Schedule 6.2 centre in Midlothian is Straiton;

- 7.7 The SPP (Scottish Planning Policy) sets out Government guidance with regard to town centres and retailing.
- 7.8 The “Retailing and Town Centres” Technical Note for the Midlothian Local Development Plan (MLDP) **Main Issues Report 2013 (MIR)** is a source of information which can inform the assessment of this application.

## **8 PLANNING ISSUES**

- 8.1 The main issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

### The Principle of Development

- 8.2 The proposal is within the built up area and has an established commercial land use. The former public house adjoins and could be considered as part of a neighbourhood centre which extends from Dalhousie Road East and along Hopefield Park. The public house has been closed for approximately 6 years.
- 8.3 In terms of any sequential retail classification, the site would be deemed to be in a local neighbourhood centre, and the scale of development proposed is of a scale compatible to this classification. The principle of the development is therefore acceptable if it does not undermine the vitality and viability of the town centre and is easily accessible by public transport. The Staiside Inn site is adjacent to a bus stop from which regular services run between Rosewell/Polton Mill and Bonnyrigg town centre (Lothian Buses services 31 and 49), with 7 buses per hour during the day.
- 8.4 Concern raised in representations that there is no need for further retail development is contrary to the evidence outlined in the retail studies carried out for the Lothians. Midlothian Council commissioned a study of retail patterns in 2012, from Robert Drysdale Planning Consultants Ltd, as an input into the preparation of the new Midlothian Local Development Plan, which will ultimately replace the current 2008 Midlothian Local Plan. An estimated surplus of convenience expenditure of around £39 million by 2021 was estimated, which would support additional convenience floorspace (above commitments already taken into account) of around 6,500sqm. The potential lies primarily in the A7/A68/Borders Rail corridor. At the time of survey Bonnyrigg had the lowest class 1 retail vacancy rate of the strategic centres, at only 2% (Dalkeith at 9% and Penicuik at 16%), suggesting that it was relatively healthy.

- 8.5 Policy SHOP6 supports minor retail facilities in town and neighbourhood centres and policy SHOP7 reflects support for new retail facilities in centres which are well located in relation to residential development. In general, it is not envisaged that there would be a need for retail developments in excess of 1000sqm in neighbourhood centres. This development is for 600sqm of retail, plus 315sqm of other commercial uses. The site is sufficiently distant from the town centre and well located within a large area of housing that will support this level of retail floorspace. Furthermore, the redevelopment of the high school on the adjacent site will bring custom to the site as people utilising the facilities or dropping children off at the school will be able to combine journeys (be it on foot, bus or car) and carry out shopping needs at the same time thereby reducing the need for two trips and reducing aggregate travel times and car journeys.
- 8.6 The proposed non retail uses will include other uses appropriate to a retail frontage in a neighbourhood centre, and will include food and drink uses and financial and professional services, covered by classes 2 and 3 of the Use Classes Order.
- 8.7 The issue of competition with existing retail operators is not a material consideration; however a development's potential impact upon the vitality and viability of an existing centre is a material planning consideration.

#### Design and Amenity

- 8.8 The opening of the new high school development, the provision of public open space on the bowling green site, and the provision of a small dedicated car parking area for the retail units, which will also be available for existing retail units, will create a much more attractive environment and provides an opportunity to enhance the existing local neighbourhood centre.
- 8.9 The design orientates the main elevation of the building to address the neighbourhood centre and the community high school development. At the same time the design of the Rosewell Road elevation should be of sufficiently high standard for fronting onto a main road into the town centre. The proposed building is single storey, but of sufficient height to accommodate a mezzanine floor. In terms of height it relates well to existing two storey dwellings nearby on Rosewell Road, Eskdale Drive and Hopefield Park.
- 8.10 Proposed materials are presently shown as facing brick, with panels of metal cladding and render. The roof is shown as a metal roof cladding system. These materials, subject to colour choice, would be an appropriate match for the materials on the new high school development.

### Parking and Road Safety

- 8.11 The proposed 22 parking spaces are considered adequate for a retail and commercial development of this scale and are comparable to other neighbourhood centres (for comparison, the Hopefield commercial centre, approved under reference 10/00571/DPP, incorporated 792sqm of retail floor space, 1329sqm office floor space and 164sqm of floor space for a crèche, and it was approved with a total of 27 car parking spaces). By their location, neighbourhood centres also encourage a significant number of trips by foot or bus.
- 8.12 The existing shopping centre has a floor area of approximately 600sqm, and there is non-dedicated on street lay-by parking for approximately 15 cars (1 space per 40sqm). The proposed development will have 22 dedicated off road spaces for 913 square metres (1 space per 41.5sqm).
- 8.13 There has been concern expressed regarding the extra traffic that will use the new traffic light controlled junction on Rosewell Road/Hopefield Park. This junction has been redesigned to accommodate the traffic to the new high school. The proposed development will not add significantly to the volume of traffic using this junction. The site already has the potential to generate traffic either for residential purposes, or as a licensed public house/restaurant. The proposed use will not add substantially to the levels of traffic already anticipated. The existing junction has operated reasonably well without traffic lights in the past, and it is anticipated that the installation of the traffic lights will ensure that this use will be able to operate without detriment to road safety.
- 8.14 The access arrangements have created an improved pedestrian environment and a safer route for all pedestrians towards Hopefield Park. At present, pedestrians have to cross the access to the Staiside Inn, and then cross the access to the lock up garages, plumbers' merchant and nursery. Under the proposed scheme, there will be only one enhanced crossing point.
- 8.15 The provision of a service vehicle loading bay on Rosewell Road has been designed so as to allow vehicles to be parked completely behind the kerb line. A similar arrangement exists at the main junction in the centre of Bonnyrigg where parking and loading bays extend right up to the traffic lights on at least three frontages. There is no known problem with the operation of this layout. If anything, the stopping of the buses, 7 per hour, at the bus stop will be more of an obstruction to visibility than the significantly less frequent use of the lay-by. The introduction of the traffic lights should however ensure that all may operate safely.

- 8.16 With regards to concerns relating to the narrowing of the footpath adjacent to the loading bay, there is scope to increase the width of the pavement to the preferred 3m. The applicant has presently demonstrated that the loading bay can be accommodated within their ownership. However, if this were moved to a position where it is partly within the adopted road, without any impact on the road carriageway widths, a pavement of at least 3 metres could be achieved. A condition is proposed to require this amendment.
- 8.17 Due to the proximity of the site to the school, it is proposed to condition the movement of construction traffic into and out of the development site to prevent such movements during times when pupils will be travelling to and from the school. These times are presently; Morning Start at 8:25 am, Monday to Thursday Lunch Break from 13:05 to 13:50, Monday to Thursday Finish at 15:30, and Friday Finish at 12:15. Therefore movements should cease 30 minutes in advance of the start and 30 minutes after the finish and during the lunch period.

#### Conclusion

- 8.18 In conclusion, the development constitutes a good use of an existing derelict commercial site at an existing neighbourhood centre and adjacent to a major community facility. Pedestrian accessibility is good, and road safety matters have been addressed. The design will complement surrounding developments and the level of retail development will not cause any significant detriment to the viability of existing centres. This is an appropriate use of a brown field site to bring it back into productive use.

### **9 RECOMMENDATION**

- 9.1 That planning permission be granted for the following reason:

*“The development will complement the existing neighbourhood centre, which in conjunction with the High School redevelopment will create a stronger and more vibrant community facility. The design of the development will enhance the character of the area. There will be no adverse impact upon the safety of pedestrians and other road users, and there will be no adverse impact upon existing recognised retail centres”*

Subject to the following conditions:



1. Only those three units closest to the road junction shown on drawing 1005 P(2-) 007 revision B, and specified on that drawing as having ground floors of 96 m<sup>2</sup>, 96 m<sup>2</sup> and 279 m<sup>2</sup> respectively, shall be permitted to be used for retail purposes as defined by class 1 of the Town And Country Planning (Use Classes)(Scotland) Order 1997, and all other uses shall be deemed to be restricted to classes 2 and 3 of that order, unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure that the retail impact of the development is controlled to an extent that it will not have a significant detrimental impact upon existing retail centres.*

2. Any units proposed to contain cooking equipment for the preparation of cooked or heated foodstuffs for public sale or wholesale shall not be permitted to operate until such time as all details of cooking equipment and the proper ventilation of any cooking and food preparation areas has been agreed in writing by the planning authority in consultation with Environmental Health.

**Reason:** *To ensure that any cooking odours are adequately treated and ventilated to a height that will ensure that there is no significant harm to neighbouring residential amenity.*

3. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
  - vii drainage details and sustainable urban drainage systems to manage water runoff;
  - viii proposed car park configuration, lighting and surfacing;
  - ix proposed footpaths;
  - x details of public litter bins to be sited within the application boundary; and
  - xi proposed cycle parking facilities.

All hard and soft landscaping listed in i to xi above shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin, including the demolition of any existing buildings, until a bat assessment (to identify the potential for roosting bats) has been undertaken by a qualified ecologist and any mitigation measures identified are implemented in accordance with details to be submitted and approved in writing by the planning authority.

**Reason:** *In the interests of safeguarding bats in accordance with Policy RP13 of the Adopted Midlothian Local Plan and to ensure that an up to date understanding of these species on the site is available prior to development commencing.*

6. Development shall not begin, including the demolition of any existing buildings, until details of the lay-by incorporating a 3m footpath is submitted and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved plans.

**Reason:** *To enable the planning authority to consider this matter in detail and to provide a better and safer pedestrian thoroughfare.*

7. All of the proposed car parking, cycle parking and the proposed lay-by shall be completed and available for use prior to any of the units hereby approved coming into operation.

**Reason:** *To ensure that adequate parking and servicing provision is available for the development.*

8. In addition to the standard construction site operating restrictions (BS 5228), there shall be no movement of construction traffic, plant or machinery into or out of the site during the following times on any weekdays when pupils are in attendance at the Lasswade High School;

- a. 0755 to 0825 Monday to Friday;
- b. 1300 to 1400 Monday to Thursday;
- c. 1215 to 1245 Friday; and
- d. 1530 to 1600 Monday to Thursday

***Reason:*** *In the interests of pedestrian safety on the adjacent route to the high school.*

**Ian Johnson**  
**Head of Planning and Development**

**Date:** 21 May 2013

**Application No:** 13/00206/DPP (Available online)  
**Applicant:** Carlsson  
**Agent:** Kenneth Reid Architects  
**Validation Date:** 15 March 2013  
**Contact Person:** Kingsley Drinkwater  
**Tel No:** 0131 271 3315  
**Background Papers:** 06/00826/OUT, 10/00600/PPP and 13/00014/DPP